

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

TIMOTHY M. GEREB,

Civil No. 11-3608 (SRN/JSM)

Plaintiff,

v.

ORDER

Dr. MIKE NELSON,
Dr. SHELLY STANTON,
Dr. NANCY JORDAN,
PA. NORMAN BOOTH,
Cmdr JON MICHAEL SCHULTZ,
Lcmdr J. FEDA,
AW MEDICAL "UNKNOWN NAME,"
Case Manager S. SOLOMONSON,
US ATTORNEY GENERAL,
Warden JETT and
HARLEY LAPPIN,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated April 16, 2012 and Plaintiff's Motion For Leave to Proceed Pursuant to 28 USC 1915. Plaintiff currently has a pending Application to Proceed In Forma Pauperis, which is addressed within Magistrate Judge Mayeron's Report and Recommendation. Objections to the Report and Recommendation were due on April 30, 2012. Plaintiff submitted a letter to Magistrate Judge Mayeron on April 30, 2012, stating that he would be sending out objections on May 1, 2012. As of today's date, no objections have been filed.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed in forma pauperis, and Motion For Leave to

Proceed Pursuant to 28 USC 1915, (Docket Nos. 2 and 13), are **DENIED**;

2. This action is **SUMMARILY DISMISSED** pursuant to 28 U.S.C. § 1915A(b);
3. Plaintiff is required to pay the unpaid balance of the court filing fee, namely \$310.00, in accordance with 28 U.S.C. § 1915(b)(2); and
4. For purposes of 28 U.S.C. § 1915(g), this action is dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 9, 2012

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge